



STATE OF CONNECTICUT  
JUDICIAL BRANCH

**STATEWIDE GRIEVANCE COMMITTEE**

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Attorney Patricia King  
Assistant Disciplinary Counsel  
100 Washington Street  
Hartford, CT 06106

Attorney Stephen J. Mackinnon  
991 Main Street  
Suite 3C  
East Hartford, CT 06108

RE: Grievance Complaint #04-0793  
Tucci v. Mackinnon

Dear Assistant Disciplinary Counsel and Respondent:

Pursuant to Practice Book §2-82(b), the undersigned, duly-appointed reviewing committee of the Statewide Grievance Committee, has reviewed the *Conditional Admission and Agreement as to Discipline* (hereinafter "*Conditional Admission*") filed July 13, 2005 and submitted for approval in the above referenced matter. After careful consideration of the *Conditional Admission*, the *Affidavit* of the Respondent submitted pursuant to Practice Book §2-82(c) and the entire record of the complaint, and after conducting a hearing pursuant to Practice Book §2-82(b) on July 13, 2005, the undersigned hereby APPROVE the *Conditional Admission*, a copy of which is attached hereto together with the *Affidavit* of the Respondent. Accordingly, the disposition agreed to by the Assistant Disciplinary Counsel and the Respondent in the above referenced matter and set forth in the *Conditional Admission* is hereby made an order of this reviewing committee. The Respondent is reprimanded, and other conditions are as set forth in the *Conditional Admission*.

Reviewing committee member William Carroll was not available for the July 13, 2005 hearing. The Assistant Disciplinary Counsel and the Respondent waived the participation of Mr. Carroll in the consideration and decision of the *Conditional Admission*. Accordingly, the matter was considered and decided by the undersigned.

So ordered.

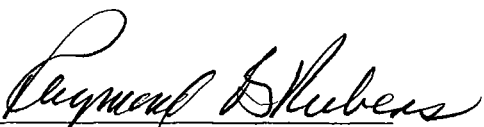
cc: Anthony Tucci  
(8)  
asc


DECISION DATE: 8/19/05

Grievance Complaint #04-0793

Decision

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Attorney Raymond B. Rubens



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Attorney Noble Allen

## **STATEWIDE GRIEVANCE COMMITTEE**

NO. 04-0793

ANTHONY C. TUCCI  
Complainant

Vs.

STEPHEN J. MACKINNON  
Respondent

### **CONDITIONAL ADMISSION AND AGREEMENT AS TO DISCIPLINE**

Pursuant to Practice Book § 2-82, the undersigned Respondent and Disciplinary Counsel stipulate and agree as follows:

1. This matter was instituted by grievance complaint filed by the Complainant Anthony Tucci on August 10, 2004.
2. On January 27, 2005 the Grievance Panel for the New Britain/Hartford J.D., GA 12, and the Towns of Avon, Bloomfield, Canton, Farmington and West Hartford found probable cause that the Respondent had violated Rules 1.3 and 1.4 of the Rules of Professional Conduct and Practice Book Section 2-32(a) (1) in connection with his representation of the complainant in a matter involving an underinsured motorist case that was dismissed on a disciplinary nonsuit for failing to answer discovery.
3. Since the filing of the grievance complaint, the Respondent has turned the matter over to his malpractice carrier and the Complainant has brought suit against him for legal malpractice. The malpractice case is pending in the Fairfield Judicial District.
4. Respondent has left the active practice of law and is presently working on obtaining a teaching certificate and he plans to teach school.

5. Respondent has been admitted to the practice of law since 1992, and was reprimanded once before.
6. Disciplinary Counsel and Respondent have agreed that a reprimand may issue against Respondent for the conduct in this matter.
7. Further, Respondent has agreed that if and when he ever desires to return to the active practice of law, he will take a course in professional ethics of six (6) class hours and will certify his attendance at such course to Disciplinary Counsel.
8. Disciplinary Counsel has forwarded a copy of this proposed disposition to Complainant's counsel and Complainant will be given the opportunity to comment on this proposed disposition in accordance with Practice Book Section 2-82(d).

WHEREFORE, this matter is submitted to the Statewide Grievance Committee for its approval in accordance with Practice Book § 2-82 (b).

Date

7/12/05

Office of Disciplinary Counsel

by Mark A. Dubois  
Chief Disciplinary Counsel

Respondent Stephen J. MacKinnon

Date

7/12/05



## STATEWIDE GRIEVANCE COMMITTEE

NO. 04-0793

ANTHONY C. TUCCI  
Complainant

**Vs.**

**STEPHEN J. MACKINNON**  
Respondent

# AFFIDAVIT

STATE OF CONNECTICUT)

Ss: \_\_\_\_\_

COUNTY OF \_\_\_\_\_ )

I am over the age of 18 and believe in the obligation of an oath.

Pursuant to Practice Book §2-82, I make the follow affidavit:

The Conditional Admission and Agreement as to Discipline attached hereto and made a part hereof is voluntarily submitted.

I am aware that I have a right to a full evidentiary hearing on this matter and I waive that right by entering into this agreement.

I have been neither subject to coercion nor duress and I am fully aware of the implications of this Affidavit and the Conditional Admission.

I am aware of the current proceeding regarding my violation of Rules 1.3 and 1.4 of the Rules of Professional Conduct and Practice Book Section 2-32(a)(1) in connection with my representation of the Complainant in a matter involving an underinsured motorist case.

I admit that I did not diligently pursue Mr. Tucci's matter and did not communicate with him adequately in violation of Rules 1.3 and 1.4 of the Rules of Professional Conduct.

I further admit that I did not answer the grievance complaint as required by Practice Book Section 2-32(a)(1).

At the time, I was suffering from a depression problem that now seems to be under control.

I do not intend to keep up the active practice of law, though I intend to keep my law license current.

At present, my plan is to obtain a certification to teach school.

I understand and promise that if I ever desire to return to the active practice of law, I will take a six (6) hour course in professional ethics and will provide proof of attendance to Disciplinary Counsel before I do so.



Stephen J. Mackinnon

Subscribed and sworn to before me

this 11<sup>th</sup> day of July, 2005.



Notary Public/  
Commissioner of the Superior Court